

**Notice of Allowability**

Application No.

09/919,992

Examiner

Jason Prone

Applicant(s)

SIMMS, GRAHAM JOHN

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed on 21 April 2004.
2. ☒ The allowed claim(s) is/are 1-3,5-7,9-13,15-24 and 27-29.
3. ☒ The drawings filed on 21 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-3, 5-7, 9-13, 15-24, and 27-29 are allowed.
2. The following is an examiner's statement of reasons for allowance: Claims 1-3, 5-7, 9, 10, 16, 17, 19-22, and 27-29 are allowable because of the apparatus with a discharge point that defines a tubular member that terminates at a position at or adjacent to the pivot axis of the blade as set forth in the claims. In regards to Schauble, an apparatus is disclosed in which discharge point defines a member (i.e., groove 48, 50, 52, or 54) that terminates at a position adjacent to the pivot axis but fails to disclose that the member is tubular. To become tubular, an additional member is needed such as blade 42. In the case of Sellera, an apparatus is disclosed in which discharge point defines a tubular member but fails to disclose that tubular member terminates at a position at or adjacent to a non-existent pivot axis. There is no motivation to modify the blade structure, of Sellera, to incorporate a pivot axis. The addition of pivot axis is considered hindsight. None of the prior art cited discloses an apparatus that incorporates the use of a discharge point that defines a tubular member that terminates at a position at or adjacent to the pivot axis of the blade that allows the user to apply a lubricating fluid while using the razor apparatus. Claims 11-13, 15, 18, 23, and 24 are allowable because of the apparatus with at least one flexible web that defines a second pivot axis as set forth in the claims. None of the prior art cited discloses an apparatus that incorporates the use of at least one flexible web that defines a second pivot axis about which the blade carrying structure is pivotable relative to the supporting structure.

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Therefore, in view of what has been stated above, the claims are allowable over the art of record.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature, possibly reading 'JP', in black ink.

JP

May 14, 2004

A handwritten signature, possibly reading 'Allan', in black ink.

Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700